

IN THE SENATE

SENATE BILL NO. 1032

BY BOCK

AN ACT

RELATING TO FOSTER CARE; AMENDING SECTION 16-1602, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 16-1604, IDAHO CODE, TO PROVIDE AN EXCEPTION; AMENDING SECTION 16-1619, IDAHO CODE, TO PROVIDE FOR ADDITIONAL DEPARTMENT OF HEALTH AND WELFARE LEGAL CUSTODY OF A CHILD UNDER SPECIFIED CONDITIONS AND PROCEDURE; AMENDING SECTION 16-1629, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE DEPARTMENT; AND AMENDING SECTION 39-1202, IDAHO CODE, TO REVISE A DEFINITION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 16-1602, Idaho Code, be, and the same is hereby amended to read as follows:

16-1602. DEFINITIONS. For purposes of this chapter:

(1) "Abused" means any case in which a child has been the victim of:

(a) Conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or

(b) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.

(2) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child including, but not limited to, reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.

(3) "Adaptive equipment" means any piece of equipment or any item that is used to increase, maintain or improve the parenting capabilities of a parent with a disability.

(4) "Adjudicatory hearing" means a hearing to determine:

(a) Whether the child comes under the jurisdiction of the court pursuant to the provisions of this chapter;

(b) Whether continuation of the child in the home would be contrary to the child's welfare and whether the best interest of the child requires protective supervision or vesting legal custody of the child in an authorized agency;

(c) Whether aggravated circumstances as defined in section 16-1619, Idaho Code, exist.

(5) "Authorized agency" means the department, a local agency, a person, an organization, corporation, benevolent society or association licensed or approved by the department or the court to receive children for control, care, maintenance or placement.

(6) "Case plan hearing" means a hearing to:

(a) Review, approve, modify or reject the case plan; and

(b) Review reasonable efforts being made to rehabilitate the family; and

(c) Review reasonable efforts being made to reunify the children with a parent or guardian.

(7) "Child" means an individual who is under the age of eighteen (18) years. "Child" also includes a person under the age of twenty (20) years in foster care who is:

(a) Completing secondary education or a program leading to an equivalent credential;

(b) Enrolled in an institution that provides postsecondary or vocational education;

(c) Participating in a program or activity designed to promote, or remove barriers to, employment;

(d) Employed for at least eighty (80) hours per month; or

(e) Incapable of doing any of the activities described in paragraphs (a) through (d) of this subsection due to a medical condition, which incapability is supported by regularly updated information in the case plan of the child.

(8) "Circumstances of the child" includes, but is not limited to, the joint legal custody or joint physical custody of the child.

(9) "Commit" means to transfer legal and physical custody.

(10) "Concurrent planning" means a planning model that prepares for and implements different outcomes at the same time.

(11) "Court" means district court or magistrate's division thereof, or if the context requires, a magistrate or judge thereof.

(12) "Custodian" means a person, other than a parent or legal guardian, to whom legal or joint legal custody of the child has been given by court order.

(13) "Department" means the department of health and welfare and its authorized representatives.

(14) "Disability" means, with respect to an individual, any mental or physical impairment which substantially limits one (1) or more major life activity of the individual including, but not limited to, self-care, manual tasks, walking, seeing, hearing, speaking, learning or working, or a record of such an impairment, or being regarded as having such an impairment. Disability shall not include transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, other sexual behavior disorders, or substance use disorders, compulsive gambling, kleptomania or pyromania. Sexual preference or orientation is not considered an impairment or disability. Whether an impairment substantially limits a major life activity shall be determined without consideration of the effect of corrective or mitigating measures used to reduce the effects of the impairment.

(15) "Family or household member" shall have the same meaning as in section 39-6303(6), Idaho Code.

1 (16) "Foster care" means twenty-four (24) hour substitute parental care  
2 for children placed away from their parents or guardians by persons who may  
3 or may not be related to the children and for whom the state agency has place-  
4 ment and care responsibility.

5 (17) "Grant administrator" means the supreme court or any organization  
6 or agency as may be designated by the supreme court in accordance with such  
7 procedures as may be adopted by the supreme court. The grant administrator  
8 shall administer funds from the guardian ad litem account in accordance with  
9 the provisions of this chapter.

10 (18) "Guardian ad litem" means a person appointed by the court pursuant  
11 to a guardian ad litem volunteer program to act as special advocate for a  
12 child under this chapter.

13 (19) "Guardian ad litem coordinator" means a person or entity receiving  
14 moneys from the grant administrator for the purpose of carrying out any of  
15 the duties set forth in section 16-1632, Idaho Code.

16 (20) "Guardian ad litem program" means the program to recruit, train and  
17 coordinate volunteer persons to serve as guardians ad litem for abused, ne-  
18 glected or abandoned children.

19 (21) "Homeless," as used in this chapter, shall mean that the child is  
20 without adequate shelter or other living facilities, and the lack of such  
21 shelter or other living facilities poses a threat to the health, safety or  
22 well-being of the child.

23 (22) "Law enforcement agency" means a city police department, the pros-  
24 ecuting attorney of any county, state law enforcement officers, or the of-  
25 fice of a sheriff of any county.

26 (23) "Legal custody" means a relationship created by court order, which  
27 vests in a custodian the following rights and responsibilities:

28 (a) To have physical custody and control of the child, and to determine  
29 where and with whom the child shall live.

30 (b) To supply the child with food, clothing, shelter and incidental ne-  
31 cessities.

32 (c) To provide the child with care, education and discipline.

33 (d) To authorize ordinary medical, dental, psychiatric, psychologi-  
34 cal, or other remedial care and treatment for the child, including care  
35 and treatment in a facility with a program of services for children; and  
36 to authorize surgery if the surgery is deemed by two (2) physicians li-  
37 censed to practice in this state to be necessary for the child.

38 (e) Where the parents share legal custody, the custodian may be vested  
39 with the custody previously held by either or both parents.

40 (24) "Mental injury" means a substantial impairment in the intellectual  
41 or psychological ability of a child to function within a normal range of per-  
42 formance and/or behavior, for short or long terms.

43 (25) "Neglected" means a child:

44 (a) Who is without proper parental care and control, or subsistence,  
45 medical or other care or control necessary for his well-being because of  
46 the conduct or omission of his parents, guardian or other custodian or  
47 their neglect or refusal to provide them; however, no child whose parent  
48 or guardian chooses for such child treatment by prayers through spiri-  
49 tual means alone in lieu of medical treatment shall be deemed for that  
50 reason alone to be neglected or lack parental care necessary for his

1 health and well-being, but this subsection shall not prevent the court  
2 from acting pursuant to section 16-1627, Idaho Code; or

3 (b) Whose parents, guardian or other custodian are unable to discharge  
4 their responsibilities to and for the child and, as a result of such  
5 inability, the child lacks the parental care necessary for his health,  
6 safety or well-being; or

7 (c) Who has been placed for care or adoption in violation of law; or

8 (d) Who is without proper education because of the failure to comply  
9 with section 33-202, Idaho Code.

10 (26) "Permanency hearing" means a hearing to review, approve, reject or  
11 modify the permanency plan of the department, and review reasonable efforts  
12 in accomplishing the permanency plan.

13 (27) "Permanency plan" means a plan for a continuous residence and main-  
14 tenance of nurturing relationships during the child's minority.

15 (28) "Protective order" means an order created by the court granting re-  
16 lief as delineated in section 39-6306, Idaho Code, and shall be for a period  
17 not to exceed three (3) months unless otherwise stated herein. Failure to  
18 comply with the order shall be a misdemeanor.

19 (29) "Protective supervision" means a legal status created by court or-  
20 der in neglect and abuse cases whereby the child is permitted to remain in his  
21 home under supervision by the department.

22 (30) "Relative" means a child's grandparent, great grandparent, aunt,  
23 great aunt, uncle, great uncle, brother-in-law, sister-in-law, first  
24 cousin, sibling and half-sibling.

25 (31) "Residual parental rights and responsibilities" means those  
26 rights and responsibilities remaining with the parents after the transfer of  
27 legal custody including, but not necessarily limited to, the right of visi-  
28 tation, the right to consent to adoption, the right to determine religious  
29 affiliation, the right to family counseling when beneficial, and the respon-  
30 sibility for support.

31 (32) "Shelter care" means places designated by the department for tem-  
32 porary care of children pending court disposition or placement.

33 (33) "Supportive services," as used in this chapter, shall mean ser-  
34 vices which assist parents with a disability to compensate for those aspects  
35 of their disability which affect their ability to care for their child and  
36 which will enable them to discharge their parental responsibilities. The  
37 term includes specialized or adapted training, evaluations or assistance  
38 with effectively using adaptive equipment and accommodations which allow  
39 parents with a disability to benefit from other services including, but not  
40 limited to, Braille texts or sign language interpreters.

41 SECTION 2. That Section 16-1604, Idaho Code, be, and the same is hereby  
42 amended to read as follows:

43 16-1604. RETENTION OF JURISDICTION. (1) Except as provided for in sec-  
44 tion 16-1619(7), Idaho Code, jurisdiction obtained by the court under this  
45 chapter shall be retained until the child's eighteenth birthday, unless ter-  
46 minated prior thereto. Jurisdiction of the court shall not be terminated by  
47 an order of termination of parental rights if guardianship and/or custody of  
48 the child is placed with the department of health and welfare.

1           (2) The parties have an ongoing duty to inquire concerning, and inform  
2 the court as soon as possible about, any other pending actions or current  
3 orders involving the child. In the event there are conflicting orders from  
4 Idaho courts concerning the child, the child protection order is control-  
5 ling.

6           SECTION 3. That Section 16-1619, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8           16-1619. ADJUDICATORY HEARING -- CONDUCT OF HEARING -- CONSOLIDA-  
9 TION. (1) When a petition has been filed, the court shall set an adjudicatory  
10 hearing to be held no later than thirty (30) days after the filing of the  
11 petition.

12          (2) A pretrial conference shall be held outside the presence of the  
13 court within three (3) to five (5) days before the adjudicatory hearing.  
14 Investigative reports required under section 16-1616, Idaho Code, shall be  
15 delivered to the court with copies to each of the parents and other legal cus-  
16 todians, guardian ad litem and attorney for the child prior to the pretrial  
17 conference.

18          (3) At the adjudicatory hearing, parents or guardians with disabil-  
19 ities shall have the right to introduce admissible evidence regarding how  
20 use of adaptive equipment or supportive services may enable the parent or  
21 guardian to carry out the responsibilities of parenting the child by ad-  
22 dressing the reason for the removal of the child.

23          (4) If a preponderance of the evidence at the adjudicatory hearing  
24 shows that the child comes within the court's jurisdiction under this chap-  
25 ter upon the grounds set forth in section 16-1603, Idaho Code, the court  
26 shall so decree and in its decree shall make a finding on the record of the  
27 facts and conclusions of law upon which it exercises jurisdiction over the  
28 child.

29          (5) Upon entering its decree the court shall consider any information  
30 relevant to the disposition of the child but in any event shall:

31           (a) Place the child under protective supervision in his own home for an  
32 indeterminate period not to exceed the child's eighteenth birthday; or

33           (b) Vest legal custody in the department or other authorized agency  
34 subject to residual parental rights and subject to full judicial review  
35 by the court of all matters relating to the custody of the child by the  
36 department or other authorized agency.

37          (6) If the court vests legal custody in the department or other autho-  
38 rized agency, the court shall make detailed written findings based on facts  
39 in the record, that, in addition to the findings required in subsection (4)  
40 of this section, continuation of residence in the home would be contrary to  
41 the welfare of the child and that vesting legal custody with the department  
42 or other authorized agency would be in the best interests of the child. In  
43 addition the court shall make detailed written findings based on facts in the  
44 record as to whether the department made reasonable efforts to prevent the  
45 placement of the child in foster care, including findings, when appropriate,  
46 that:

47           (a) Reasonable efforts were made but were not successful in eliminating  
48 the need for foster care placement of the child;

1 (b) The department made reasonable efforts to prevent removal but was  
2 not able to safely provide preventive services;

3 (c) Reasonable efforts to temporarily place the child with related per-  
4 sons were made but were not successful; or

5 (d) Reasonable efforts were not required as the parent had subjected  
6 the child to aggravated circumstances as determined by the court in-  
7 cluding, but not limited to: abandonment; torture; chronic abuse;  
8 sexual abuse; committed murder; committed voluntary manslaughter of  
9 another child; aided or abetted, attempted, conspired or solicited to  
10 commit such a murder or voluntary manslaughter; committed a battery or  
11 an injury to a child that results in serious or great bodily injury to  
12 a child; or the parental rights of the parent to a sibling of the child  
13 have been terminated involuntarily and that as a result, a hearing to  
14 determine the permanent future plan for this child will be held within  
15 thirty (30) days of this determination.

16 (7) A decree vesting legal custody in the department shall be binding  
17 upon the department and may continue until the child's eighteenth birthday.  
18 If the court finds that the child is in need of aid, the court, upon petition  
19 by the department, the child's guardian ad litem or the child, filed not more  
20 than three (3) months prior to the child's eighteenth birthday, may continue  
21 the department's legal custody of the child for up to two (2) years following  
22 the child's eighteenth birthday, provided that:

23 (a) Such additional legal custody is in the best interest of the child;  
24 and

25 (b) The child consents to such continuation. The consent of the child  
26 may be withdrawn at any time after the child's eighteenth birthday.

27 (8) A decree vesting legal custody in an authorized agency other than  
28 the department shall be for a period of time not to exceed the child's eigh-  
29 teenth birthday, and on such other terms as the court shall state in its de-  
30 cree to be in the best interests of the child and which the court finds to be  
31 acceptable to such authorized agency.

32 (9) In order to preserve the unity of the family system and to ensure the  
33 best interests of the child whether issuing an order of protective supervi-  
34 sion or an order of legal custody, the court may consider extending or initi-  
35 ating a protective order as part of the decree. The protective order shall be  
36 determined as in the best interests of the child and upon a showing of contin-  
37 uing danger to the child. The conditions and terms of the protective order  
38 shall be clearly stated in the decree.

39 (10) If the court does not find that the child comes within the jurisdic-  
40 tion of this chapter pursuant to subsection (4) of this section it shall dis-  
41 miss the petition.

42 SECTION 4. That Section 16-1629, Idaho Code, be, and the same is hereby  
43 amended to read as follows:

44 16-1629. POWERS AND DUTIES OF THE DEPARTMENT. The department, working  
45 in conjunction with the court and other public and private agencies and per-  
46 sons, shall have the primary responsibility to implement the purpose of this  
47 chapter. To this end, the department is empowered and shall have the duty to  
48 do all things reasonably necessary to carry out the purpose of this chapter,  
49 including, but not limited to, the following:

1       (1) The department shall administer treatment programs for the protec-  
2       tion and care of neglected, abused and abandoned children, and in so doing  
3       may place in foster care, shelter care, or other diagnostic, treatment, or  
4       care centers or facilities, children of whom it has been given custody. The  
5       department is to be governed by the standards found in chapter 12, title 39,  
6       Idaho Code.

7       (2) On December 1, the department shall make an annual statistical  
8       report to the governor covering the preceding fiscal year showing the num-  
9       ber and status of persons in its custody and including such other data as  
10      will provide sufficient facts for sound planning in the conservation of  
11      children and youth. All officials and employees of the state and of every  
12      county and city shall furnish the department, upon request, such information  
13      within their knowledge and control as the department deems necessary. Lo-  
14      cal agencies shall report in such uniform format as may be required by the  
15      department.

16      (3) The department shall be required to maintain a central registry for  
17      the reporting of child neglect, abuse and abandonment information. Provided  
18      however, that the department shall not retain any information for this pur-  
19      pose relating to a child, or parent of a child, abandoned pursuant to chapter  
20      82, title 39, Idaho Code.

21      (4) The department shall make periodic evaluation of all persons in its  
22      custody or under its supervision for the purpose of determining whether ex-  
23      isting orders and dispositions in individual cases shall be modified or con-  
24      tinued in force. Evaluations may be made as frequently as the department  
25      considers desirable and shall be made with respect to every person at inter-  
26      vals not exceeding six (6) months. Reports of evaluation made pursuant to  
27      this section shall be filed with the court which vested custody of the per-  
28      son with the department. Reports of evaluation shall be provided to persons  
29      having full or partial legal or physical custody of a child. Failure of the  
30      department to evaluate a person or to reevaluate him within six (6) months of  
31      a previous examination shall not of itself entitle the person to a change in  
32      disposition but shall entitle him, his parent, guardian or custodian or his  
33      counsel to petition the court pursuant to section 16-1622, Idaho Code.

34      (5) In a consultive capacity, the department shall assist communities  
35      in the development of constructive programs for the protection, prevention  
36      and care of children and youth.

37      (6) The department shall keep written records of investigations, eval-  
38      uations, prognoses and all orders concerning disposition or treatment of  
39      every person over whom it has legal custody. Department records shall be  
40      subject to disclosure according to chapter 3, title 9, Idaho Code, unless  
41      otherwise ordered by the court, the person consents to the disclosure,  
42      or disclosure is necessary for the delivery of services to the person.  
43      Notwithstanding the provisions restricting disclosure or the exemptions  
44      from disclosure provided in chapter 3, title 9, Idaho Code, all records per-  
45      taining to investigations, the rehabilitation of youth, the protection of  
46      children, evaluation, treatment and/or disposition records pertaining to  
47      the statutory responsibilities of the department shall be disclosed to any  
48      duly elected state official carrying out his official functions.

49      (7) The department shall establish appropriate administrative proce-  
50      dures for the processing of complaints of child neglect, abuse and abandon-

1 ment received and for the implementation of the protection, treatment and  
2 care of children formally or informally placed in the custody of the depart-  
3 ment under this chapter including, but not limited to:

4 (a) Department employees whose job duties are related to the child pro-  
5 tective services system under this chapter shall first be trained as to  
6 their obligations under this chapter regarding the protection of chil-  
7 dren whose health and safety may be endangered. The curriculum shall  
8 include information regarding their legal duties, how to conduct their  
9 work in conformity with the requirements of this chapter, information  
10 regarding applicable federal and state laws with regard to the rights  
11 of the child, parent and others who may be under investigation under the  
12 child protective services system, and the applicable legal and consti-  
13 tutional parameters within which they are to conduct their work.

14 (b) Department employees whose job duties are related to the child pro-  
15 tective services system shall advise the individual of the complaints  
16 or allegations made against the individual at the time of the initial  
17 contact, consistent with protecting the identity of the referent.

18 (8) The department having been granted legal custody of a child, sub-  
19 ject to the judicial review provisions of this subsection, shall have the  
20 right to determine where and with whom the child shall live, provided that  
21 the child shall not be placed outside the state without the court's consent.  
22 Provided however, that the court shall retain jurisdiction over the child,  
23 which jurisdiction shall be entered on any order or petition granting legal  
24 custody to the department, and the court shall have jurisdiction over all  
25 matters relating to the child. The department shall not place the child in  
26 the home from which the court ordered the child removed without first obtain-  
27 ing the approval of the court.

28 (9) The department shall give to the court any information concerning  
29 the child that the court may at any time require, but in any event shall  
30 report the progress of the child under its custody at intervals of not to  
31 exceed six (6) months. The department shall file with the court at least  
32 five (5) days prior to the permanency hearing either under section 16-1622,  
33 Idaho Code, or, in the case of a finding of aggravated circumstances, section  
34 16-1620, Idaho Code, the permanency plan and recommendations of the depart-  
35 ment. There shall be a rebuttable presumption that if a child is placed in  
36 the custody of the department and was also placed in out of the home care for  
37 a period not less than fifteen (15) out of the last twenty-two (22) months  
38 from the date the child entered shelter care, the department shall initiate a  
39 petition for termination of parental rights. This presumption may be rebut-  
40 ted by a finding of the court that the filing of a petition for termination of  
41 parental rights would not be in the best interest of the child or reasonable  
42 efforts have not been provided to reunite the child with his family, or the  
43 child is placed permanently with a relative.

44 (10) The department shall establish appropriate administrative proce-  
45 dures for the conduct of administrative reviews and hearings as required by  
46 federal statute for all children committed to the department and placed in  
47 out of the home care.

48 (11) At any time the department is considering a placement pursuant to  
49 this chapter, the department shall make a reasonable effort to place the  
50 child in the least restrictive environment to the child and in so doing shall



1 consider, consistent with the best interest and special needs of the child,  
2 placement priority of the child in the following order:

3 (a) A fit and willing relative.

4 (b) A fit and willing nonrelative with a significant relationship with  
5 the child.

6 (c) Foster parents and other persons licensed in accordance with chap-  
7 ter 12, title 39, Idaho Code.

8 (12) The department is authorized to provide services to children who  
9 are continuing in the state's legal custody, pursuant to section 16-1619(7),  
10 Idaho Code, to assist the child in transitioning to adulthood. The depart-  
11 ment is authorized to seek federal funding and comply with the requirements  
12 of federal programs developed for this purpose.

13 SECTION 5. That Section 39-1202, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 39-1202. DEFINITIONS. For the purposes of this chapter:

16 (1) "Board" means the Idaho board of health and welfare.

17 (2) "Child care" means that care, control, supervision or maintenance  
18 of children for twenty-four (24) hours a day which is provided as an alterna-  
19 tive to parental care.

20 (3) "Child" means an individual less than eighteen (18) years of age who  
21 is not enrolled in an institution of higher education. "Child" also includes  
22 a person under the age of twenty (20) years in foster care who is:

23 (a) Completing secondary education or a program leading to an equiva-  
24 lent credential;

25 (b) Enrolled in an institution that provides postsecondary or voca-  
26 tional education;

27 (c) Participating in a program or activity designed to promote, or re-  
28 move barriers to, employment;

29 (d) Employed for at least eighty (80) hours per month; or

30 (e) Incapable of doing any of the activities described in paragraphs  
31 (a) through (d) of this subsection due to a medical condition, which  
32 incapability is supported by regularly updated information in the case  
33 plan of the child.

34 (4) "Children's agency" means a person who operates a business for the  
35 placement of children in foster homes or for adoption in a permanent home  
36 and who does not provide child care as part of that business. Children's  
37 agency does not include a licensed attorney or physician assisting or pro-  
38 viding natural and adoptive parents with legal services or medical services  
39 necessary to initiate and complete adoptive placements.

40 (5) "Children's camp" means a program of child care at a location away  
41 from the child's home which is primarily recreational and includes the  
42 overnight accommodation of the child and is not intended to provide treat-  
43 ment, therapy or rehabilitation for the child.

44 (6) "Children's institution" means a person who operates a residential  
45 facility for children not related to that person if that person is an indi-  
46 vidual, for the purpose of providing child care. Children's institutions  
47 include, but are not limited to, foster homes, maternity homes, children's  
48 therapeutic outdoor programs, or any facilities providing treatment, ther-  
49 apy or rehabilitation for children. Children's institutions do not include:

(a) facilities which provide only daycare as defined in chapter 11, title 39, Idaho Code; (b) facilities and agencies including hospitals, skilled nursing facilities, intermediate care facilities, and intermediate care facilities for people with intellectual disabilities licensed pursuant to chapter 13, title 39, Idaho Code; (c) day schools; (d) individuals acting in an advisory capacity, counseling a child in a religious context, and providing no child care associated with the advice; (e) the occasional or irregular care of a neighbor's, relative's or friend's child or children by a person not ordinarily engaged in child care.

(7) "Children's residential care facility" means a children's institution, excluding:

- (a) Foster homes;
- (b) Residential schools;
- (c) Children's camps.

No facility expressly excluded from the definition of a children's institution is included within the definition of a children's residential care facility.

(8) "Children's therapeutic outdoor program" is a program which is designed to provide behavioral, substance abuse, or mental health services to minors in an outdoor setting. This does not include children's camps, church camps, or other outdoor programs primarily designed to be educational or recreational, such as Boy Scouts, Girl Scouts, 4-H or sports camps.

(9) "Continued care" means the ongoing placement of an individual in a foster home, children's residential care facility, or transitional living placement who reaches the age of eighteen (18) years but is less than twenty-one (21) years of age.

(10) "Day school" means a public, private, parochial or secular facility offering an educational program in which the children leave the facility each day at the conclusion of the academic, vocational or school supervised activities.

(11) "Department" means the state department of health and welfare.

(12) "Director" means the director of the department of health and welfare.

(13) "Foster care" means child care by a person not related to the child, in lieu of parental care, in a foster home.

(14) "Foster home" means a home which accepts, for any period of time, with or without compensation, one (1) or more children who are not related to the foster parent as members of the household for the purpose of providing substitute parental care.

(15) "Group care" means foster care of a number of children for whom child care in a family setting is not available or appropriate, in a dormitory or cottage type setting, characterized by activities and discipline of a more regimented and less formal nature than found in a family setting.

(16) "Juvenile detention" is as defined in section 20-502(6), Idaho Code, of the juvenile corrections act.

(17) "Juvenile detention center" means a facility established pursuant to sections 20-517 and 20-518, Idaho Code.

(18) "Person" includes any individual, group of individuals, association, partnership, limited liability company or corporation.

1 (19) "Placement" means finding a suitable licensed foster home or suit-  
2 able adoptive home for a child and completing the arrangements for a child to  
3 be accepted into and adjusted to such home.

4 (20) "Relative" means a child's grandparent, great grandparent, aunt,  
5 great aunt, uncle, great uncle, brother-in-law, sister-in-law, first  
6 cousin, sibling and half-sibling.

7 (21) "Representative" means an employee of the state department of  
8 health and welfare.

9 (22) "Residential facility" means any facility where child care is pro-  
10 vided, as defined in this section, and which provides day and night accommo-  
11 dation.

12 (23) "Residential school" means a residential facility for children  
13 which:

14 (a) Provides a planned, scheduled, regular, academic or vocational  
15 school program for students in the elementary, middle or secondary  
16 grades as defined in section 33-1001, Idaho Code; and

17 (b) Provides services substantially comparable to those provided in  
18 nonresidential public schools where the primary purpose is the educa-  
19 tion and academic pursuits of the students; and

20 (c) Does not seek, receive or enroll students for treatment of such spe-  
21 cial needs as substance abuse, mental illness, emotional disturbance,  
22 developmental disability or intellectual disability; and

23 (d) Is not:

24 (i) A college or university; or

25 (ii) A children's camp as defined in this section; or

26 (iii) A public or private day school in which the children leave  
27 the facility each day at the conclusion of the academic, voca-  
28 tional and school supervised activities.

29 (24) "Transitional living" means living arrangements and aftercare  
30 services for children, or as continued care, to gain experience living on  
31 their own in a supportive and supervised environment prior to emancipation.